



2000 Market Street
20th Floor
Philadelphia, PA 19103-3222
Tel 215.299.2000 Fax 215.299.2150
www.foxrothschild.com

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: July 11, 2022

July 11, 2022

ANDREW M. MACDONALD
Direct No: 215.444.7174
Email: AMacDonald@FoxRothschild.com

VIA E-FILING

The Honorable Andrew L. Carter, Jr.
United States District Judge
Thurgood Marshall United States Courthouse
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

**Re: Status Report & Joint Request for Stay
Building Service 32BJ Health Fund, et al. v. Shamrock of New England, Inc.
Case No. 1:21-cv-3562 (S.D.N.Y.) (ALC) (BCM)**

Judge Carter:

This firm represents Defendant Shamrock of New England, Inc. ("Shamrock") in the above-referenced action.

Shamrock and Plaintiffs Building Service 32BJ Health Fund, Building Services 32BJ Legal Services Fund, and Building Services 32BJ Thomas Shortman Training, Safety and Scholarship Fund ("Plaintiffs") (collectively, Shamrock and Plaintiffs are the "Parties") have jointly requested four stays in this matter to resolve this matter through settlement. The Parties have agreed in principle to settle this matter, but request an additional fourteen (14) day stay to finalize the written settlement agreement and obtain approval from the trustees of the respective benefit funds.

This matter involves an audit conducted by the Plaintiffs concerning contributions to employee benefit funds. In their action, the Plaintiffs sought outstanding contributions and the production of documents to complete an audit of Shamrock. Since the last sixty-day stay was granted by the Court in May, 2022, the Funds' auditor has reviewed the documents and records produced by Shamrock and issued a final audit finding dated June 30, 2022. Based on that final audit finding, the Parties have reached a settlement in principle resolving all outstanding issues involved in this matter.

A Pennsylvania Limited Liability Partnership



The Honorable Andrew L. Carter, Jr.
July 11, 2022
VIA E-FILING
Page 2

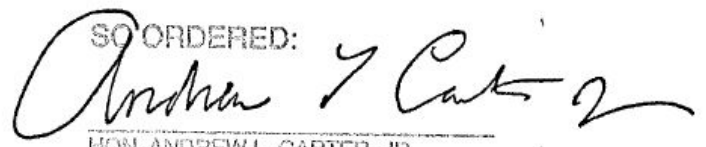
Accordingly, the Parties request an additional stay of fourteen (14) days to finalize the settlement agreement and seek necessary approvals to resolve this matter. This is the Parties' fifth request for a stay. The Parties do not anticipate any other stay requests.

Very truly yours,

/s/ Andrew M. MacDonald
Andrew M. MacDonald¹

cc: Hon. Andrew L. Carter, Jr. (ALCarterNYSDChambers@nysd.uscourts.gov)
Ira A. Sturm (isturm@rsgllp.com)
Andrew MacDonald (amacdonald@foxrothschild.com)

Application **GRANTED**. The parties shall update the Court on the status of settlement negotiations no later than July 26, 2022.

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Date: July 11, 2022

¹ This letter is being filed by my New York colleague, Neil A. Capobianco.